Supreme Court, U.S.
FILED
JUN 18 1987
JOSEPH F. SPANIOL, JR.
CLERK

No. 86-1994 (P)

# In the Supreme Court

OF THE

# United States

OCTOBER TERM, 1986

VERDEGAAL BROTHERS, INC.,
WILLIAM VERDEGAAL AND GEORGE VERDEGAAL,
*Petitioners,*

VS.

UNION OIL COMPANY OF CALIFORNIA,
BREA AGRICULTURAL SERVICES, INC.,
*Respondents.*

## SUPPLEMENTAL APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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**Appendix E**

United States District Court
Eastern District of California

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201 S. Lake Avenue
Pasadena, CA 91101

RE: VERDEGAAL BROTHER, INC. V.
UNION OIL CO. OF CALIF.
CV F 83-68 REC

You are hereby notified that Judgment in the above-entitled case was entered in the docket on January 30, 1986, pursuant to Rule 77(d) F.R.C.P. I hereby certify that this notice was mailed on February 3, 1986.

J. R. GRINDSTAFF, Clerk
U. S. DISTRICT COURT

By: /s/ P. MOSQUEDA
P. Mosqueda, Deputy Clerk

Judment in a Civil Case

United States District Court

Case Title:

Verdegaal Brothers, Inc.,
A California Corporation

v.

Union Oil Company of California,
a Delaware Corporation

District:
Eastern District of California

Docket Number:
CV F 83-68 REC

Name of Judge or Magistrate:
Robert E. Coyle

[Filed Jan. 31, 1986]

☐ Jury Verdict. This action came before the Court and jury with the judicial officer named above presiding. The issues have been tried and the jury has rendered its verdict.

☒ Decision by Court. This action came to trial or hearing before the Court with the judge (magistrate) named above presiding. The issues have been tried or heard and a decision has been rendered.

It is Ordered and Adjudged

1. The following shall be entered in accordance with the jury's verdict (a) U.S. Patent No. 4,310,343 is valid; and (b) Claims 1 and 2 are infringed by defendants' process for making fertilizers having compositions 28 (nitorogen ) -0-0-0 (sulfur), 15-0-0-16 and 10-0-0-18, and Claim 4 is infringed by defendants' process for making 28-0-0-9.

2. The issues of plaintiffs' damages pursuant to 35 U.S.C. 284 has been bifurcated from the issue of liability by an Order of this Court dated May 8, 1985. All proceedings relating to trial of the issue of damages are hereby stayed pending disposition of any of the motions to which Rule 62 (b) refers and, if thereupon

required, pending disposition of any appeal taken from the judgment herein.

3. Subject to paragraph 4 herein, Union Oil Company of California, Brea Agriculture Services, Inc., their officers, agents, servants, employees, attorneys and such other persons who are in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are hereby enjoined during the remaining unexpired term of U.S. Patent 4,310,343 from using processes which infringe the claims of Patent No. 4,310,343.

4. The Court hereby, pursuant to Rule 62 (b), F.R.Civ.P, suspends the injunction provided for in paragraph 3 pending disposition of any of the motions to which Rule 62 (b) refers, and, if thereupon required, pending disposition of any appeal taken from the judgment herein.

Clerk
J. R. GRINDSTAFF

(By) Deputy Clerk
P. MOSQUEDA

Date: 1-30-86

**Appendix F**

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Attorneys for Defendants

In the United States District Court
For the Eastern District of California

Civil Action No. CV-F-83-68 REC

Verdegaal Brothers, Inc.,
a California corporation,
William Verdegaal, George Verdegaal,
Plaintiffs,

v.

Union Oil Company of California,
a California corporation,
Brea Agricultural Services, Inc.,
Defendants.

Defendants' Second Proposed Form of Judgment

[Filed Jan. 30, 1986]

This action, having come on for trial before the Court and a jury, the Honorable Robert E. Coyle presiding, the issues having been tried to the jury and the jury having rendered its verdict by answered written interrogatories,

IT IS HEREBY ORDERED AND ADJUDGED:

1. The following shall be entered in accordance with the jury's verdict:

> (a) U.S. Patent No. 4, 310, 343 is valid; and (b) Claims 1 and 2 are infringed by defendants' processes for making fertilizers having compositions 28 (nitrogen)-0-0-9 (sulfur), 15-0-0-16 and 10-0-0-18, and Claim 4 is infringed by defendants' process for making 28-0-0-9.

2. The issues of plaintiffs' damages pursuant to 35 U.S.C. § 284 has been bifurcated from the issue of liability by an Order of this Court dated May, 1985. All proceedings relating to trial of the issue of damages are hereby stayed pending disposition of any of the motions to which Rule 62(b) refers and, if thereupon required, pending disposition of any appeal taken from the judgment herein.

3. Subject to paragraph 4 herein, Union Oil Company of California, Brea Agricultural Services, Inc., their officers, agents, servants, employees, attorneys and such other persons who are in active concert or participation with them who receive actual notice of this Order by personal service or otherwise are hereby enjoined during the remaining unexpired term of U.S. Patent 4,310,343 from using processes which infringe the claims of Patent No. 4,310,343.

4. The Court hereby, pursuant to Rule 62(b), F.R.Civ.P., suspends the injunction provided for in paragraph 3 pending disposition of any of the motions to which Rule 62(b) refers, and, if thereupon required, pending disposition of any appeal taken from the judgment herein.

Date: January 30, 1986

/s/ ROBERT E. COYLE
Robert E. Coyle
U.S. District Court Judge
Eastern District of California

Approved as to form:

LIMBACH, LIMBACH & SUTTON

/s/ MICHAEL E. DERGOSITS
Michael E. Dergosits
Attorneys for Plaintiffs

Date: January 26, 1986

CHRISTIE, PARKER & HALE

Date: January 24, 1986

/s/ ANDREW J. BELANSKY
Andrew J. Belansky
Attorneys for Defendants